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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,112	09/22/2005	Peter Rehbein	10191/4180	1765
26646 7590 02/06/2007 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			EXAMINER NGUYEN, TRUC T	
			ART UNIT 2833	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/06/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/529,112	Applicant(s) REHBEIN ET AL.	
	Examiner Truc T. T. Nguyen	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-13, 15-21 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-13, 15 and 18-21 is/are rejected.
- 7) ☒ Claim(s) 16-17, 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen et al. (US 6,183,886).

Chen et al. disclose an electrical contact, comprising:

a metallic substrate (12); and

a contact layer (16) which is applied to the metallic substrate, wherein the contact includes a structured layer;

wherein structuring for the structure layer includes particles dispersed in a matrix (12), at least some of the dispersed particles having a greater hardness than the matrix and made of aluminum oxide (Col. 6, L. 62).

Chen et al. do not disclose the contact is a plug-in contact. This feature is seen to be an inherent teaching of that device since a Fister disclose *the article (10) may be a strip to formed into an electrical connector* (Col. 5, L. 65-67) means the article 10 could be formed in any kind of connector including a plug-in connector.

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3. Claims 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Fister et al. (US 5,916,695).

Fister discloses an electrical contact, comprising:

a metallic substrate (12); and

a contact layer (16) which is applied to the metallic substrate, wherein the contact includes a structured layer;

wherein the structure layer is formed by a multilayer system (Fig. 3) which is made up of successive layers having different chemical compositions, the multilayer system including layers of indium and silver (Col. 6, L. 43-46).

4. Claims 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Capp (US 5,316,507).

Capp discloses an electrical contact, comprising:

a metallic substrate (40); and

a contact layer (44, 46) which is applied to the metallic substrate, wherein the contact includes a structured layer;

wherein at least some area of the contact layer has a noble metal cover layer (12) which is made of one of gold, silver, platinum, palladium (Col. 3, L. 32-34).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Capp (US 5,316,507).

Capp discloses an electrical contact, comprising:

a metallic substrate (40); and

a contact layer (44, 46) which is applied to the metallic substrate, wherein the contact includes a structured layer by particles;

wherein at least some of the dispersed particles are made of a solid-state lubricant (14).

Capp substantially disclosed the claimed invention except for the size of the particles being ranged from 1 nano-meter and 1 micro-meter.

It would have been obvious to one having ordinary skill in the art at the time the invention was to made to provide the size of the particles in a range from 1 nano-meter and 1 micro-meter , since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

In re Aller, 105 USPQ 233.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Capp (US 5,316,507).

Capp discloses an electrical contact, comprising:

a metallic substrate (40); and

a contact layer (44, 46) which is applied to the metallic substrate, wherein the contact includes a structured layer by particles dispersed in a matrix (12);

wherein the matrix (12) is made silver (Col. 3, L. 32-34).

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Capp substantially disclosed the claimed invention except for the size of the particles being ranged from 1 nano-meter and 1 micro-meter.

It would have been obvious to one having ordinary skill in the art at the time the invention was to made to provide the size of the particles in a range from 1 nano-meter and 1 micro-meter , since it has been held that where the general conditions of a claim a are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

8. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (US 6,183,886).

Capp substantially disclosed the claimed invention except for the size of the particles being ranged from 1 nano-meter and 1 micro-meter, and the particle dispersed in the matrix is between 1 vol.% and 50 vol.%.

It would have been obvious to one having ordinary skill in the art at the time the invention was to made to provide the size of the particles in a range from 1 nano-meter and 1 micro-meter, and the between 1 vol.% and 50 vol.%, since it has been held that where the general conditions of a claim a are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Allowable Subject Matter

9. Claims 16-17 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T. T. Nguyen whose telephone number is 571-272-2011. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on 571-272-2800 extension 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Truc T. T. Nguyen
Primary Examiner
Art Unit 2833

